

**Department Of Health And Senior Services  
Division Of Long Term Care Systems  
Rules For Licensure Of Nursing Home Administrators And Rules Regulating The Nursing Home  
Administrators Board**

**Proposed Readoption with Amendments: N.J.A.C. 8:34**

Authorized By: Clifton R. Lacy, M.D., Commissioner, Department of Health and Senior Services.

Authority: N.J.S.A. 26:2H-1 et seq., specifically 26:2H-5.

Calendar Reference: See Summary below for explanation of exception to calendar requirement.

Proposal Number: PRN 2004-191.

Submit comments by July 16, 2004 to:

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Long Term Care Systems  
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The agency proposal follows:

**Summary**

N.J.A.C. 8:34, Rules for Licensing Nursing Home Administrators and Rules Regulating the Nursing Home Administrators Board, contains rules for the licensure of nursing home administrators and the rules regulating the Nursing Home Administrators Licensing Board (Board). These rules will expire on December 4, 2004, pursuant to N.J.S.A. 52:14B-5.1c. Following a review of the rules by the Department and by the Nursing Home Administrators Licensing Board, the Department has determined that the rules are necessary and reasonable and proper for the purpose for which they were originally promulgated. The Department, therefore, proposes to readopt the rules, with amendments intended to streamline the rules by simplifying and clarifying them, and updating agency names and telephone numbers which have changed since the last adoption. The rules proposed for readoption establish minimum standards for the education, experience, continuing education, and disciplinary process of individuals acting as administrators of nursing homes in order to ensure safe and adequate treatment of all individuals in nursing homes.

Internal review and evaluation by the Nursing Home Administrators Licensing Board indicated that this chapter has been effective in assisting the Department to carry out the functions mandated by N.J.S.A. 26:2H-27, 26:2H-28 and 30:11-1 et seq. These rules are necessary for the Department to effect its legal mandate to protect the health, safety and well being of the residents in nursing homes in New Jersey. In addition, the rules in N.J.A.C. 8:34 are essential for the regulation of nursing home administrators to assure the minimum quality of care and the provision of required services.

The Nursing Home Administrators Licensing Board was initially established as a result of the 1967 amendments to the Social Security Act. These Federal amendments, found at 42 C.F.R. 431.700 et seq., stipulated that a State Plan for medical assistance under Title XIX of the Social Security Act must include a program to license administrators of nursing homes and the programs administered by a Nursing Home Administrators Licensing Board.

N.J.S.A. 26:2H-5(b) was adopted in 1971, serving as the enabling Act under New Jersey law for the establishment of the Board. In addition, the requirements and qualifications of nursing home administrators are also incorporated into the Omnibus Budget Reconciliation Act 1987 (OBRA '87), the Nursing Home Reform Act, 42 C.F.R. 483B, and the Health Care Financing Act's implementing regulations.

The substantive provisions of the respective subchapters follow, with emphasis on those amendments that are being made to these rules.

N.J.A.C. 8:34-1, General Provisions, addresses the source of the authority which establishes the Nursing Home Administrators Licensing Board, the scope of the rules, the scope of practice for licensed administrators, and the purpose of the rules. Also contained in the subchapter are definitions of the words and terms used throughout the chapter, an explanation of the severability of the rules, and the Nursing Home Administrators Licensing Board's authority to waive provisions of this chapter. Proposed amendments reword and codify N.J.A.C. 8:34-1.2 and 1.3 to more clearly define the scope of these rules and the scope of individual practice. N.J.A.C. 8:34-1.5 is amended for clarification. Proposed amendments at N.J.A.C. 8:34-1.6 amend current definitions to clarify their meaning as used in this chapter. Proposed amendments at N.J.A.C. 8:34-1.6 add definitions for "address of record," "administrator," "administrator of record," "designee," "NAB," "revocation," "summary suspension," and "suspension" to permit these rules to be more specific, and clearer for the public. The definition of "assistant administrator" is amended to be consistent with the new definition of "administrator of record." N.J.A.C. 8:34-1.8(b) and (c) are amended to change the term "standards" to "provisions."

N.J.A.C. 8:34-2 describes the general powers of the Board. N.J.A.C. 8:34-2.1(b) and (d) have been reworded for clarity and consistency in these rules. Proposed amendments at N.J.A.C. 8:34-2.1(c) adds applicable statutory and regulatory citations. Proposed amendments at N.J.A.C. 8:34-2.1(e) and (f) are grammatical changes. Proposed amendments at N.J.A.C. 8:34-2.2(d) specify that the record(s) of disciplinary action(s) taken by the Board are subject to disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

N.J.A.C. 8:34-3, Licensure Requirements, lists the requirements and the procedure to obtain a license as a nursing home administrator through the examination process. Proposed amendments at N.J.A.C. 8:34-3.1(a)4 specifies that an administrator in training internship must be completed at a nursing home with no fewer than 60 beds. Proposed amendments at N.J.A.C. 8:34-3.1(c) would require all applicants for a license as a nursing home administrator undergo a criminal history record background check and bear all costs associated with the background check. N.J.A.C. 8:34-3.2(a)4 is amended to be consistent with the statutory definition of an accredited college or university as cited at N.J.S.A. 18A:3-15.3. N.J.A.C. 8:34-3.2(a)5 has been reworded for clarity. N.J.A.C. 8:34-3.2(a)9 is amended to require license applicants to report any offense, not only felonies, in violation of State or Federal law to the Board.

N.J.A.C. 8:34-4, Administrative Experience Requirement, describes the administrative experience requirement and the administrator-in-training program, defines the requirement for a preceptor for an administrator in- [training, defines what is equivalent to the internship requirement, and sets forth the requirements for written plans and reports to be completed as part of the administrator-in-training program. The proposed amendment to N.J.A.C. 8:34-4.1(a)2i changes the requirement for an individual serving an internship as an assistant administrator to accumulate the required 1,750 hours of experience in a licensed facility with long-term care beds to a nursing home with no fewer than 60 beds. The proposed amendment to N.J.A.C. 8:34-4.2(a)1 changes the requirement for an individual serving an internship as an administrator-in-training to accumulate the required 1,750 hours of experience in a licensed facility with long-term care beds to a nursing home with no fewer than 60 beds. N.J.A.C. 8:34-4.2(f) has been amended to remove the requirement of sending the Board a copy of the notice which is posted in a nursing home delineating when a

department head is performing duties associated with an internship or acting in the capacity of a department head. N.J.A.C. 8:34-4.4(a) is a technical change to reflect the amendments to that subsection. N.J.A.C. 8:34-4.4(a)2 changes the requirement for an individual serving an internship as part of a Master's degree program to accumulate the required 450 hours of experience in a licensed facility with long-term care beds to a nursing home with no fewer than 60 beds, and reduces the time requirement for completion prior to applying for a license from five years to two years. N.J.A.C. 8:34-4.4(a)3 and 4 recognize and modify the number of internship hours required for an individual serving an internship as part of a Bachelor's degree in Health Care Administration, Public Health Administration, or Long-Term Care Administration, or an equivalent degree. N.J.A.C. 8:34-4.4(b) changes the requirement for an individual serving an internship after receiving a Master's degree, as identified at N.J.A.C. 8:34-4.4(a)3, to accumulate the required 875 hours of experience in a licensed facility with long-term care beds to a nursing home with no fewer than 60 beds. N.J.A.C. 8:34-4.4(c) specifies the internship requirement for individuals who undertake their internship requirement after receiving a Bachelor's degree in Health Care Administration, Public Health Administration, or Long-Term Care Administration, or an equivalent degree. N.J.A.C. 8:34-4.5(g) has technical changes that correctly identify a form used by the Board.

N.J.A.C. 8:34-5, Examination, describes the examination requirements, the scheduling of examinations, the examination fee, the subject matter for the examination, exclusion of examination subjects, grading of examinations, retention of examination results, re-examination after failing an examination, conditional admission to an examination, and the appeal procedure for an individual who has been disqualified from sitting for an examination. The proposed amendment at N.J.A.C. 8:34-5.2 removes the address of the National Association of Board of Examiners of Long-term Care Administrators, Inc., and adds it to the definition of "NAB." The amendment at N.J.A.C. 8:34-5.3 moves the information about the examination fee and the time for the submission of the examination fee to N.J.A.C. 8:34-9.1(b). N.J.A.C. 8:34-5.4 contains a technical change for brevity and updates the list of subject areas, which may appear on a licensing examination. N.J.A.C. 8:34-5.5 is superfluous and is therefore proposed for repeal. The examination as administered through NAB and PES adheres to Federal regulations covering anti-discrimination, and affirmative action. N.J.A.C. 8:34-5.6 (current 5.7) has been reworded for clarity. N.J.A.C. 8:34-5.8 is recodified as 5.7. N.J.A.C. 8:34-5.7(a) contains technical changes to reflect a recodification. N.J.A.C. 8:34-5.7(c) deletes wording which has been incorporated in the definition of the "Board." Proposed amendments at N.J.A.C. 8:34-5.7(d) through (g) specify the amount of time an individual, who fails a licensing examination, must wait before he or she may sit for a re-examination and the documentation requirements. N.J.A.C. 8:34-5.9 is proposed for repeal as there is no longer a conditional admission to the licensing examination. N.J.A.C. 8:34-5.10 is recodified as 5.8. N.J.A.C. 8:34-5.8(a) expands ineligibility to sit for the licensing examination to include individuals who fail to pass the licensing examination after four attempts in 12 months. N.J.A.C. 8:34-5.8(b) is amended to reflect a recodification affecting N.J.A.C. 8:34-8.4.

N.J.A.C. 8:34-6, Licensure, sets forth the parameters for the granting of a license, renewing a license, the use of the title "Licensed Nursing Home Administrator," displaying a license, obtaining a duplicate license, notifying the Board when the licensee's name, address, or place of employment changes, and the requirements for licensure by equivalency. This subchapter also defines inactive status and steps necessary for the restoration of a license. The proposed amendment at N.J.A.C. 8:34-6.1(c) changes the maximum licensing period from two to three years. Increasing the license period to three years positively effects the very labor intensive and time consuming process of renewing licenses while preserving the systems currently in place to protect the health and welfare of residents of New Jersey's nursing homes. N.J.A.C. 8:34-6.2(b) is reworded to reflect the change from a two-year to three-year licensing period. N.J.A.C. 8:34-6.2(b)1 is reworded for brevity. N.J.A.C. 8:34-6.2(b)2 adds the requirements that all individuals renewing their license must undergo a criminal history records background check and bear the cost of this background check. N.J.A.C. 8:34-6.2(b)3 and 4 have been reworded for brevity and recodified. N.J.A.C. 8:34-6.2(c) removes wording which had been incorporated in the definition of the "Board." N.J.A.C. 8:34-6.2(d) as amended

delineates the prorated number of continuing education hours required for individuals who are licensed for less than three years.

N.J.A.C. 8:34-6.6 is amended to clarify that the Board must be notified of a name change in writing and signed by the licensed nursing home administrator. N.J.A.C. 8:34-6.7(d) was reworded for clarity and brevity. N.J.A.C. 8:34-6.8(b) and (b)3 through 6 were reworded for clarity and brevity. N.J.A.C. 8:34-6.8(b)4 is amended to be consistent with the statutory definition of accreditation of a college or university as cited at N.J.S.A. 18A:3-15.3. N.J.A.C. 8:34-6.8(b)6 is amended to clarify that an applicant for licensure by equivalency must have a current and active license as a nursing home administrator in another jurisdiction. Proposed amendments at N.J.A.C. 8:34-6.8(b)7 require that all applicants for a license as a nursing home administrator through equivalency undergo a criminal history record background check and bear all costs associated with the background check. N.J.A.C. 8:34-6.8(b)8 is amended to require that all convictions, not only felonies, are reported to the Board for consideration before an individual is granted a license as a nursing home administrator. N.J.A.C. 8:34-6.8(d) contains technical changes for accuracy and clarity. N.J.A.C. 8:34-6.9(b) through (d) have been reworded to reflect the change from a two-year to three-year license. N.J.A.C. 8:34-6.9(e) and (e)1 and 2 are new and specify the conditions under which additional hours of continuing education would not be required of individuals who wish to reactivate their New Jersey nursing home administrators license. N.J.A.C. 8:34-6.9(f) as amended requires an individual who has not maintained an active nursing home administrator license in another jurisdiction and not met the requirements at N.J.A.C. 8:34-6.9(b) through (d) to apply in writing for restoration of their nursing home administrator license.

N.J.A.C. 8:34-7, Continuing Education, describes the continuing education requirement, the scope of continuing education programs, the approval process for programs, recordkeeping requirements for continuing education credits, extending a waiver of the requirement, and waiving of the requirement. N.J.A.C. 8:34-7.1 has been reworded for consistency and adds that this subchapter applies to nursing home administrators practicing in accordance with applicable State and Federal rules and regulations. N.J.A.C. 8:34-7.2(a) through (c) are reworded to reflect the change from a two-year to three-year licensing period. N.J.A.C. 8:34-7.3(b) is reworded for clarity. N.J.A.C. 8:34-7.3(b)1 and 2 have been reworded for consistency. N.J.A.C. 8:34-7.3(c) is a new subsection, which defines the scope of continuing education. N.J.A.C. 8:34-7.3(d) states that all continuing education programs used for continuing education credit must be approved by the Board, NAB or its member states. N.J.A.C. 8:34-7.3(c) has been recodified and amended as N.J.A.C. 8:34-7.4(g). N.J.A.C. 8:34-7.3(e) is a new subsection, which addresses the scope of the continuing education requirement and expands the activities for which the Board will grant continuing education credit. N.J.A.C. 8:34-7.4(b) is amended to reduce the number of days a sponsor must submit a continuing education program to the Board for approval from 30 to 15 business days prior to a Board meeting. N.J.A.C. 8:34-7.4(f) is a new subsection which requires sponsors of continuing education programs to maintain attendance records for one year following the licensure period for which continuing education credit was granted. N.J.A.C. 8:34-7.4(g) was recodified from N.J.A.C. 8:34-7.3(c) and as amended would permit the Board to withhold approval for continuing education programs from sponsors that fail to maintain adequate records of program attendance and/or completion. N.J.A.C. 8:34-7.5(a) is amended and requires licensed individuals or applicants for licensure to maintain documentation of completed continuing education programs for one year following the licensure period for which the Board granted the licensee continuing education credit. N.J.A.C. 8:34-7.5(b) has been reworded for clarity. N.J.A.C. 8:34-7.5(b)1 has been reworded for clarity. N.J.A.C. 8:34-7.5(b)2 through 5 are new paragraphs which list materials which may be used to verify successful completion of a continuing education program or activity. The current N.J.A.C. 8:34-7.5(c) is deleted to simplify the license renewal process by eliminating the requirement to provide documentation of continuing education at the time of license renewal. N.J.A.C. 8:34-7.6(a) has been reworded for consistency.

N.J.A.C. 8:34-8, Suspension, Revocation, Sanctions, and Hearings, sets forth the rules for the suspension, revocation, or denial of a license, sanctions against a licensee, hearings, and the conditions for restoration and reinstatement of a license. N.J.A.C. 8:34-8.1 has been amended to include summary suspension in the heading of this section and the text has been amended for consistency. N.J.A.C. 8:34-8.2 has been amended to include summary suspension and revocation in the heading of this section. N.J.A.C. 8:34-8.2(a) has been amended for consistency with the heading of this subsection. N.J.A.C. 8:34-8.2(a)2 would permit the Board to take action against the license of individual who violated provisions of N.J.S.A. 26:2H-1 et seq., the rules of any credentialing authority or agency in any political subdivision of the State or, as proposed for amendment, has committed a similar violation in another jurisdiction. N.J.A.C. 8:34-8.2(a)3 is amended to permit the Board to take action against the license of an individual who has committed a crime relating adversely to the practice of nursing home administration. A sentence is added providing that, for purposes of this paragraph, any plea or determination by a court of competent jurisdiction other than not guilty will be deemed a conviction. N.J.A.C. 8:34-8.2(a)8 and 11 were reworded for clarity. N.J.A.C. 8:34-8.2(a)13 is amended to permit the Board to take action against the license of individual who has solicited or attempted to solicit an individual to impersonate him or herself. N.J.A.C. 8:34-8.2(a) 16 is amended to permit the Board to take action against the license of individual who has discriminated against individuals deemed to be in a protected status under applicable New Jersey or Federal laws. N.J.A.C. 8:34-8.2(b) was moved to N.J.A.C. 8:34-8.2(d). N.J.A.C. 8:34-8.2(c) and (d) were recodified. N.J.A.C. 8:34-8.2(c)1 as amended would require anyone having knowledge or information pertaining to a matter before the Board to furnish the Board with this information. N.J.A.C. 8:34-8.2(c)4 and 6 were amended for clarity. N.J.A.C. 8:34-8.2(c)7 was amended for consistency. N.J.A.C. 8:34-8.2(d) has been moved from N.J.A.C. 8:34-8.2(b), amended and recodified for clarity. N.J.A.C. 8:34-8.3(c) through (f) have been amended for consistency. N.J.A.C. 8:34-8.4(a) has been proposed for recodification at N.J.A.C. 8:34-8.3(g) and amended for consistency. N.J.A.C. 8:34-8.4(b) has been deleted. N.J.A.C. 8:34-8.5 is proposed for recodification at N.J.A.C. 8:34-8.4.

N.J.A.C. 8:34-9, Fees, lists the fees that may be charged by the Nursing Home Administrators Licensing Board. This subchapter has been reworded to reflect the change from a two-year to three-year licensing period. N.J.A.C. 8:34-9.1(a)2i amends the original biennial license fee from \$150.00 to a triennial fee of \$300.00 during the first year of the licensing period. N.J.A.C. 8:34-9.1(a)2ii amends the original biennial license fee during the second year of a triennial licensing period from \$75.00 to \$200.00. N.J.A.C. 8:34-9.1(a)2iii adds a license fee of \$100.00 for the third year of a triennial licensing period. N.J.A.C. 8:34-9.1(a)4i through iv replace the late renewal fee from a fixed amount to a graduated fee scale. N.J.A.C. 8:34-9.1(a)5 changes the duplicate license fee from \$10.00 to \$15.00. N.J.A.C. 8:34-9(a)6 changes the duplicate certificate fee from \$10.00 to \$15.00. N.J.A.C. 8:34-9.1(a)7i amends the license restoration fee from \$175.00 to \$200.00 for licenses inactive for less than three years. N.J.A.C. 8:34-9.1(a)7ii adds a license restoration fee of \$200.00 plus \$100.00 for each year over three a license is inactive. N.J.A.C. 8:34-9.1(a) 8 replaces the fee for a continuing education program application from a fixed amount to a graduated fee scale. This paragraph has been recodified. N.J.A.C. 8:34-9.1(a)9 replaces the late notification fee from a fixed amount to a graduated fee scale.

Because the Division has provided a 60-day comment period on this notice of proposal, this notice is excepted from the rulemaking calendar requirement pursuant to N.J.A.C. 1:30-3.3(a)5.

### Social Impact

By readopting these rules with amendments, the Nursing Home Administrators Licensing Board is complying with the statutory mandate to provide for the development, establishment, and enforcement of basic standards for training, experience, education and discipline of individuals acting as nursing home administrators. The rules proposed for re adoption will provide regulatory authority over individuals licensed as nursing home administrators and provide rules to direct the Board in filling its regulatory responsibilities.

State regulation of nursing home administrators helps to ensure the continuing availability of appropriately trained administrators to direct the delivery of quality physical, emotional and social care to residents of New Jersey nursing homes.

As noted in the Summary above, the Federal government requires each state to have a licensure program. Failure to maintain such program will result in the loss of millions of dollars of Federal Medicaid funds to the State, which will severely impact the delivery of a wide spectrum of services for an aging population residing in nursing homes, drastically affecting the quality of their lives. On January 1, 2004, there were 1,025 licensed nursing home administrators in New Jersey. There are 371 licensed nursing homes in this State, providing care for over 51,000 residents.

### Economic Impact

The rules proposed for readoption with amendments will have an economic impact on nursing home administrators licensed in New Jersey. Licensing fees have not increased in 10 years while the Board's operating expenses continued to escalate. The proposed fee structure will lessen this difference and move the Board in the direction of becoming financially self-sufficient. The proposed fees will bring the Board more in line with fees charged by other professional licensing boards.

Licenses will go from two to three years; the renewal fee will change from \$150.00 for two years to \$300.00 for three years. The late renewal fee of \$25.00 will increase to a maximum of \$200.00 for licenses renewed 91 or more days late. The duplicate license and certificate fees will increase from \$10.00 to \$15.00. The license restoration fee of \$175.00 will increase to \$200.00 for a license inactive for less than three years, in addition to the triennial license fee, to \$200.00 plus \$100.00 for each inactive year over three. The continuing education program application fee for non-governmental agencies will change from \$25.00 per application to \$25.00 for programs up to two hours in length, and \$50.00 for programs longer than two hours. The cost to administrators attending continuing education programs may increase if the individuals or groups providing these programs raise their program fees. A late information notifications fee (such as, but not limited to, name, address, location where a NHA license is used in New Jersey, providing information as required by rule) has been added which ranges from \$10.00 for one through 15 days late to \$40.00 plus \$2.00 per day for 31 or more days late.

Applicants for initial licensure also are required to pay a license fee, in addition to the original license application fee. Moreover, individuals taking the licensing examination are required to pay a fee, which is currently \$270.00, but which may vary with the cost of the examination which is set by contract between NAB and the testing agency, in accordance with N.J.S.A. 30:11-13 and N.J.A.C. 8:34-9.1(b).

No economic impact upon the residents of nursing homes or the public in general is expected.

### Federal Standards Statement

The rules proposed for readoption with amendments do not impose standards on licensed nursing home administrators in New Jersey that exceed those contained in Federal law or regulation. At the present time, there is no direct Federal regulation in the field of nursing home administration.

### Jobs Impact

The Department of Health and Senior Services anticipates neither the creation nor the loss of any jobs as a result of the rules proposed for readoption with amendments.

## Agriculture Industry Impact

The rules proposed for readoption with amendments herein will have no impact on the agriculture industry in the State of New Jersey.

## Regulatory Flexibility Analysis

The rules proposed for readoption with amendments do not require persons or organizations to become the sponsor of a continuing education program for nursing home administrators. Some persons or organizations that choose to become sponsors may be considered small businesses as defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq. The rules require sponsors to complete and submit an application form, notify the Board if an approved course is offered additional times during the one year approval period, and maintain a record of attendees for a period of one year following the licensure period for which the Board has granted the continuing education credit. The rules have an impact on licensed nursing home administrators to the extent that they must maintain documentation of compliance with the continuing education requirement for one year following the licensure period for which the Board has granted the licensee continuing education credit. Prospective administrators must submit an application for licensure and documentation of compliance with the requirements for licensure. Preceptors must complete quarterly reports relating to performance of those individuals in the administrator-in-training program.

No special dispensation for small business is needed because the majority of the regulated group is composed of small businesses. No professional services will be needed to comply with these rules proposed for readoption with amendments. There will be no capital costs.

## Smart Growth Impact

The rules proposed for readoption with amendments will not have an impact on growth, development or redevelopment of the State's urban or suburban areas with regard to existing or proposed land-use, protection of open space or transportation systems. Therefore, the rules will not affect the achievement of smart growth or the implementation of the State Development and Redevelopment Plan.

**Full text** of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 8:34.

**Full text** of the proposed amendments follows (additions indicated in boldface **thus** ; deletions indicated in brackets [thus]):

### SUBCHAPTER 1. GENERAL PROVISIONS

#### 8:34-1.1 Source of authority

These rules shall be known as the "Rules for Licensing Nursing Home Administrators **and Rules Regulating the Nursing Home Administrators Licensing Board** " adopted by the New Jersey State Department of Health and Senior Services and promulgated pursuant to the authority of N.J.S.A. 26:2H-27 and 26:2H-28 and N.J.S.A. 30:11-1 et seq.

#### 8:34-1.2 Scope of rules

(a) This chapter contains rules for licensing nursing home administrators in New Jersey and rules regulating the **operation of the** Nursing Home Administrators Licensing Board.

**(b) This chapter shall apply to all individuals who seek to secure a New Jersey license as a nursing home administrator; all individuals who currently are licensed; and all individuals who are in inactive status.**

[(b)] (c) (No change in text.)

[(c)] **(d)** The rules of the Board are intended to be consistent with [the] applicable Federal and State law and shall be construed whenever necessary, to achieve such consistency.

#### 8:34-1.3 Scope of individual practice

[(a) This chapter shall apply to all individuals who seek to secure a New Jersey license as a nursing home administrator; all individuals who currently are licensed; and all individuals who are in inactive status.]

[(b)] **(a)** The scope of practice for a licensed nursing home administrator is defined as **overseeing** the provision of physical and emotional health services for persons who require various therapeutic and protective measures in a supervised environment.

[(c)] **(b)** (No change in text.)

#### 8:34-1.4 Scope of administrator responsibility

(a) The licensed administrator shall be responsible for the administrative functions at the nursing home to assure that the nursing home is operated at all times in compliance with N.J.A.C. 8:39, Licensing Standards for Long Term Care Facilities, and all other applicable **State and Federal** rules, regulations and laws.

(b) (No change.)

#### 8:34-1.5 Purpose

The purpose of this chapter is to implement the provisions of P.L. 1968, c.356 and [by so doing, provide for the requirement of the] **to set forth** education, experience, **and** continuing education [, and] **requirements as well as** disciplinary processes [of] **applicable to** individuals acting as administrators of nursing homes, in order to assure safe and adequate treatment of all individuals in nursing homes [and for the operation of the Nursing Home Administrators Board] .

#### 8:34-1.6 General definitions

The following words and terms, when used in this chapter, shall have the following meanings, unless expressly otherwise stated, or unless the context or subject matter clearly indicates otherwise [.] :

**"Address of record" means the home and work address designated by a licensee, in writing.**

**"Administrator" means an individual licensed as a nursing home administrator whether or not they are an administrator of record.**

...

**"Administrator of record" means the licensed administrator responsible for all aspects of the operation of a nursing home or a health care facility with beds licensed pursuant to N.J.A.C. 8:39.**



"Assistant administrator" means an individual employed in a licensed nursing home who assists the [nursing home] **licensed administrator of record** in performing the [prescribed] **designated** functions of that position, **and** has [administrative responsibility for all areas of the facility and] direct line responsibility to the administrator **of record** [, and who may be designated to serve as administrator in the absence of the administrator] .

"Board" **or "NHALB"** means the Nursing Home Administrator s Licensing Board [(NHALB)], **and its designated staff**, of the New Jersey State Department of Health and Senior Services.

...

**"Designee" means an individual selected by the Commissioner, Board Chairperson, or Board Executive Director for a specifically delegated purpose or assignment.**

"Expungement" means the removal of information from the file of [an] **a licensed administrator or an applicant for licensure**, maintained by the Board.

...

"License" means a [certificate] **credential** issued by the Department upon recommendation from the Nursing Home Administrator s **Licensing** Board which indicates that the bearer has been licensed by [that body] **the Board** as meeting the [standards contained] **provisions set forth** in this chapter.

**"Licensed Nursing Home Administrator (LNHA)" means an individual who holds a valid New Jersey nursing home administrator license, regardless of whether such individual has an ownership interest in such home or whether such functions and duties are shared with one or more other individuals.**

**"NAB" means the National Association of Boards of Examiners of Long Term Care Administrators, 1441 I Street, NW, Suite 700, Washington, DC 20005.**

"Nursing home" means a [nursing] **health care** facility , **or complement of beds in a health care facility**, licensed pursuant to the Health Care Facilities Planning Act, P.L. 1971, c.136 and 138, N.J.S.A. 26:2H-1 et seq., amendments thereto, **and N.J.A.C. 8:39**, or an out-of-State nursing facility licensed pursuant to similar **state and Federal** licensure regulations.

["Nursing home administrator" means an individual who holds a valid New Jersey nursing home administrator license, whether such individual has an ownership interest in such home and whether such functions and duties are shared with one or more other individuals.]

...

**"Revocation" means to rescind the authorization to practice as a nursing home administrator.**

**"Summary suspension" means to withdraw the authorization to practice as a nursing home administrator prior to a hearing before the Board or a final determination by the Commissioner.**

**"Suspension" means the temporary withdrawal of the authorization to practice as a nursing home administrator.**

8:34-1.8 Waiver

(a) (No change.)

(b) An individual seeking a waiver of the [standards] **provisions** in this chapter shall apply in writing to the Executive Director of the Board.

(c) A written application for waiver shall include the following:

1. (No change.)
2. The specific [standard] **provision** for which a waiver is requested;
- 3.-5. (No change.)

## SUBCHAPTER 2. NURSING HOME ADMINISTRATORS LICENSING BOARD

### 8:34-2.1 General powers

(a) (No change.)

(b) The Board [, or its designee,] shall be responsible for determining the minimum eligibility requirements to take the nursing home administrator licensing examination.

(c) The Board may recommend to the Commissioner the assessment of a civil penalty, in accordance with N.J.S.A. 30:11-4(a), **N.J.S.A. 30:11-26, and N.J.A.C. 8:34-8.2(b) and (c)** against a nursing home administrator for violation of, or failure to comply with, any order or rule issued or adopted by the Board, or any provision of this chapter.

(d) The Board shall maintain a registry of all licensed [long term care] **nursing home** administrators and a file of applicants for licensure.

(e) The Board shall elect annually from among its members a chair and a vice- [chair. If the chair is not available to conduct the Board meeting, [then] the vice-chair shall conduct the meeting.

(f) If the chair is not a licensed nursing home administrator, [then] the vice-chair shall be a licensed nursing home administrator.

### 8:34-2.2 Confidentiality

(a)-(c) (No change.)

[(d) Upon the issuance of a determination by the Board, and the receipt of, or 30 days after mailing of, whichever is sooner, a written notice to the license holder, or other individual determined to be in violation of this chapter, the complaint, Board determination and allied statements or information obtained by Board staff during the course of the investigation are subject to public disclosure.]

**(d) Upon the issuance of a determination by the Board, and the receipt of same by the licensee, or 30 days after mailing of same, whichever is sooner, any documents contained in the licensee's file related to the disciplinary action shall be subject to the requirements of the Open Public Records Act, N.J.S.A. 47:1A-1.1 et seq., and any other applicable laws and regulations.**

## SUBCHAPTER 3. LICENSE REQUIREMENTS

### 8:34-3.1 Requirements for license by examination

(a) An applicant for a license as a nursing home administrator shall:

1.-3. (No change.)

4. Have served as an assistant administrator or AIT in a [licensed] nursing home [or a facility with licensed long term care] **with no fewer than 60** beds for at least 1,750 hours at a rate of no more than 50 hours per week. This requirement may be completed on a part time basis. In no instance shall said administrative experience have been more than two years prior to the submission of the application for examination (see also N.J.A.C. 8:34-4.4);

5.-7. (No change.)

(b) (No change.)

(c) An applicant for licensure shall undergo a criminal **history record** background check with fingerprints [by the New Jersey State Police at the applicant's expense] **pursuant to N.J.S.A. 30:11-23, as amended, and bear all costs of administering and processing the background check .**

(d) (No change.)

#### 8:34-3.2 Application procedure

(a) An applicant for a license as a nursing home administrator shall submit the following to the Board:

1.-3. (No change.)

4. An official transcript from [a] **an accredited** college or university [accredited by the State Commission on Higher Education] ;

5. Three references attesting to the applicant's administrative ability and character from professionals who are not related to **the** applicant, nor who have been, or currently are, a client in a business relationship [of] **with** the applicant. The current preceptor of the applicant may submit a reference on behalf of the applicant, but that reference shall be in addition to the required three references;

6.-8. (No change.)

9. Documentation of any [conviction of a felony] **offense in** violation of State or Federal law; and

10. (No change.)

(b) (No change.)

### SUBCHAPTER 4. ADMINISTRATIVE EXPERIENCE REQUIREMENT

#### 8:34-4.1 Administrative experience requirement

(a) An applicant for licensure shall comply with the requirement of N.J.A.C. 8:34-3.1(a)4 through participation or employment in one of the following:

1. (No change.)

2. An assistant administrator position, with the following conditions:

i. The applicant shall have the equivalent of one year full-time or two years part-time administrative experience [,] as an assistant administrator, totaling 1,750 hours in a nursing home [, or licensed facility with long term care] **with no less than 60 beds**, within the two-year period immediately prior to submission of an application; and

ii.-iii. (No change.)

#### 8:34-4.2 Administrator-in-training (AIT) program

(a) An AIT program shall be approved by the Board prior to the individual beginning. The program shall be:

1. Conducted in a nursing home [or licensed facility with long term care beds licensed in accordance with N.J.A.C. 8:39] **with no less than 60 beds** ; and

2.-4. (No change.)

(b)-(e) (No change.)

(f) If the AIT is a department head, a notice shall be conspicuously posted in the nursing home stating who the acting department head will be while the AIT is performing administrative duties. [A copy of this notice shall be forwarded to the Executive Director of the Board.]

(g) (No change.)

#### 8:34-4.4 Equivalency of internship requirement

(a) The service requirement identified at N.J.A.C. 8:34-3.1(a)4 shall be deemed to have been met if the applicant **meets the requirements of both (a)1 and 2 below, or (a)3 and 4 below** :

1. (No change.)

2. Has completed an internship program approved by the institution awarding the Master's degree, of not less than 450 hours, or as determined by the Board to be substantially equivalent, in a nursing home **with no fewer than 60 beds** [or a facility that provides licensed long term care services] and has completed said internship within [five] **two** years immediately preceding application to the Board for licensure [.] ; **or**

**3. Has been awarded a Bachelor's degree in Health Care Administration, Public Health Administration, or Long Term Care Administration, or their equivalent, by an accredited institution of higher learning; and**

**4. Has completed an internship program approved by the institution awarding the Bachelor's degree, of not less than 900 hours, or as determined by the Board to be substantially equivalent, in a nursing home with no fewer than 60 beds and has completed said internship within two years immediately preceding application to the Board for licensure.**

(b) An applicant who possesses a Master's degree, as identified in (a) **1** above, and who has not completed an approved [program] **internship** through the Master's program, shall be required to complete not less than 875 hours, or six months full-time experience , **as an AIT or assistant administrator**, in a nursing home [or

licensed facility that provides long term care services as an AIT or assistant administrator] **with no fewer than 60 beds** .

(c) **An applicant who possesses a Bachelor's degree, as identified in (a)3 above, and who has not completed an approved internship through the Bachelor's program, shall be required to complete not less than 1,250 hours, as an AIT or assistant administrator, in a nursing home with no fewer than 60 beds.**

#### 8:34-4.5 Written plan and reports

(a) An AIT program approval form shall be completed and submitted to the Board [or its designee] for approval prior to an individual beginning the program.

(b)-(f) (No change.)

(g) The [verification] **certification** of program completion form [s] shall be completed, signed by the preceptor for the AIT or assistant administrator, and submitted to the Board within 15 working days of the completion of the program.

(h) (No change.)

### SUBCHAPTER 5. EXAMINATION

#### 8:34-5.2 Scheduling of examinations

Examinations shall be held at the discretion of the Board in accordance with the prevailing practice of the National Association of Boards of Examiners of Long Term Care Administrators [, Inc., 1441 I Street, NW, Suite 700, Washington, DC 20005] .

#### 8:34-5.3 Examination fee

An applicant shall be required to submit an examination fee prior to taking the examination [as determined by the National Association of Boards of Examiners of Long Term Care Administrators, Inc., 1441 I Street NW, Suite 700, Washington, DC 20005. The examination fee shall be determined by the Board,] as set forth in N.J.A.C. 8:34-9.1(b).

#### 8:34-5.4 Subjects for examination

The subject matter for examination shall be determined by the [National Association of Boards of Examiners of Long Term Care Administrators, Inc.] **NAB** or the equivalent and may include **at any given time** , but not be limited to, the areas of: Resident Care Management; Personnel Management; Financial Management; Environmental Management; Regulatory Management; and [Organizational] **Governance and Management**.

#### [8:34-5.5 Exclusion of examination subjects

Nothing contained in this rule shall preclude the Board from administering an examination which excludes subjects for examination which are in derogation of, or in conflict with, the teachings and practices of any recognized faith; provided however, that any applicant seeking entrance to such an examination shall submit evidence satisfactory to the Board that he or she is, in fact, an adherent of such recognized religious faith.]

8:34- [5.6] **5.5** (No change in text.)

8:34- [5.7] **5.6** Records of examination

Following the close of every examination, [a record stating in detail the result of the examination for each candidate shall be maintained by the Department permanently] **the Department shall maintain a record stating in detail the result of the examination for each candidate .**

8:34- [5.8] **5.7** Re-examination

(a) An applicant who fails the licensing examination [,] will be permitted to take a re-examination, in accordance with (b) through [(f),] **(g)** below.

(b) (No change.)

(c) Following a second examination failure, or any subsequent examination failures, an applicant shall take 50 hours of remediation approved by the Board [or its designee,] before the applicant is permitted to take a re-examination.

(d) If an applicant fails to pass the second licensing examination, or any subsequent licensing examination, the applicant shall be required to **wait 60 days from the date of the previous examination, and** submit to the Board, [at least 30 days prior to the next examination the applicant will take,] documentation of having completed 50 hours of remediation in the areas specific to the individual's deficits, or as approved by the Board **before the applicant is permitted to take a re -examination .**

(e) Written documentation of successful completion of the remediation provided for at (c) above shall be submitted to the Executive Director of the Nursing Home Administrators Licensing Board, New Jersey State Department of Health and Senior Services, PO Box 367, Trenton, New Jersey 08625-0367 [, at least 30 days prior to the examination] .

(f) If an applicant fails to pass the third licensing examination, or any subsequent licensing examination, in addition to completing 50 hours of remediation as set forth at N.J.A.C. 8:34- [5.8(c)] **5.7(c)** , the candidate shall be required to complete 450 hours of administrative experience as an AIT or assistant administrator in a nursing home [or a facility with licensed long term care] **with no fewer than 60** beds, [prior to taking the next examination, and submit documentation of completion of this requirement to the Executive Director of the Board, at least 30 days prior to the examination] **and wait 120 days from the date of the previous examination before the applicant is permitted to take a re -examination .**

**(g) An applicant, prior to being allowed to sit for re-examination, in accordance with (a) above shall submit written evidence of completion of the qualification requirements to the Board. The applicant shall not be permitted to take the examination if he or she has not submitted evidence of completion of requirements.**

[8:34-5.9 Conditional admission to examination

(a) At the Board meeting preceding the administration of an examination, the Board may agree to allow an applicant to sit for examination if the applicant, by the date of the examination, will have met all the prerequisites to sit for examination.

(b) An applicant prior to being allowed to sit for examination in accordance with (a) above shall submit written evidence of completion of the qualification requirements to the Board, or its designee, at least five working days before the date of examination. The applicant shall not be permitted entrance to the examination if he or she has not submitted evidence of completion of requirements.]

#### 8:34- [5.10] **5.8** Ineligibility

(a) An applicant who has been disqualified from admission to an examination shall be given written notification by the Board of his or her disqualification and the reasons [therefor] **therefore** . **Reasons for disqualification for admission to examination include failing to pass the licensing examination after four attempts in one calendar year or any other requirement of this subchapter.**

(b) An applicant who has been disqualified may petition the Board in writing, within 30 days of notification of disqualification, for a hearing and a review of the application as set forth in N.J.A.C. 8:34-8.3 [and 8.4] .

(c) (No change.)

### SUBCHAPTER 6. LICENSURE

#### 8:34-6.1 Granting of license

(a)-(b) (No change.)

(c) A license shall be issued for a period of no more than [two] **three** years , **effective July 1, 2005** .

(d) (No change.)

#### 8:34-6.2 Renewal of license

(a) (No change.)

(b) The Board shall issue a **renewed** license to a licensed administrator every [two] **three** years upon review **and determination** by the Board of **compliance with** the following **requirements** :

1.[The licensee shall submit a] **A** completed [licensure] **license** renewal application;

**2. A criminal history record background check with fingerprints pursuant to N.J.S.A. 30:11-23, as amended, bearing all costs of administering and processing the background check;**

[2. The licensee shall submit] **3. Payment of** the required license renewal fee as determined by the Board in accordance with N.J.A.C. 8:34-9.1(a); and

[3. The licensee shall submit] **4. Submission of** written documentation of [the completion of] 40 hours of continuing education approved by the Board in accordance with N.J.A.C. 8:34-7.2(a).

(c) At the discretion of the Board [or its designee] , a license may be renewed up to 60 days after the date of its expiration upon payment of a late fee, as set forth at N.J.A.C. 8:34-9.1(a)4, in addition to the renewal fee.

(d) An applicant for licensure renewal, who had a license issued by the Board for less than [two] **three** years, shall be required to complete at least the **prorated** following number of continuing education hours:

1. [Licensed] **Sixty hours if licensed** for [19 to 24] **28 to 36** months [..... 40 hours];
2. [Licensed] **Forty hours if licensed** for [12 to 18] **18 to 27** months [..... 30 hours];
3. [Licensed] **Twenty hours if licensed** for [6 to 11] **7 to 17** months [..... 20 hours]; or
4. [Licensed] **Zero hours if licensed** for less than [6] **six** months. [..... 0 hours]

#### 8:34-6.6 Change of name

If a licensed nursing home administrator changes his or her name, the name change shall be recorded in the registry for licensed administrators. The licensed administrator shall submit **written and signed** documentation directly to the Board of the change of name and a certified copy of the court order or marriage certificate where applicable. When a duplicate license is issued, the original license shall be returned to the Board.

#### 8:34-6.7 Change of address and employment and notification requirements

(a)-(c) (No change.)

(d) [Each] **A** licensee shall [,] **notify the Board in writing** within 30 days of receiving a notice of disciplinary action taken against the licensee in another jurisdiction [, report to the Board in writing his or her receipt of such notification] .

#### 8:34-6.8 License by equivalency

(a) An individual licensed in good standing as a [LNHA] **nursing home administrator** in another jurisdiction may request approval of the Board for issuance of a New Jersey license by equivalency. The Board may approve the application only where it finds that the educational, training, and administrative experience requirement, and passing scores in the licensing examination, are equal to those required in the State of New Jersey at the time the applicant received [his or her] **their initial** license in the other jurisdiction.

(b) An individual applying for [licensure] **a license** by equivalency shall submit to the Board:

1.-2. (No change.)

3. A nonrefundable [licensure] **license** application fee as set forth in N.J.A.C. 8:34-9.1(a);

4. An official transcript from [a] **an accredited** college or university [accredited by the State Commission on Higher Education] **as defined at N.J.S.A. 18A:3-15.3** ;

5. Three written references attesting to the applicant's administrative ability and character from professionals who are not related to **the** applicant, nor who have been, or currently are, a client in a business relationship [of] **with** the applicant or the preceptor for the applicant's internship;

6. Verification of out-of-State licensure form(s) completed by the state board in each state in which the individual may have at any time held a license to practice as a nursing home administrator, providing evidence satisfactory to the Board of the individual's good standing , **with a currently active license** as a nursing home administrator, in the jurisdiction which issued the license;



7. A criminal **history record** background check with fingerprints [by the New Jersey State Police at the applicant's expense] pursuant to **N.J.S.A. 30:11-23, as amended and bear all costs of administering and processing the check ;**

8. Documentation of any [conviction of a felony violation of State or Federal law] **offense in violation of State or Federal law ;**

9.-10. (No change.)

(c) (No change.)

(d) An individual who fails to comply with the requirements for licensure of this [chapter] **subchapter** may be issued a license if the individual has been practicing as a nursing home administrator [,] in an out-of-State licensed nursing home for at least one year, full time, within no more than the two years prior to submission of an application for license by equivalency.

(e) (No change.)

8:34-6.9 Inactive status

(a) (No change.)

(b) An individual may apply for a license without examination within the [two-] **three-** year period of inactive status referenced in (a) above and upon submitting a **written** request for restoration of said license [, in writing,] to the Board.

(c) An individual requesting restoration of his or her license from inactive status within [two] **three** years of inactivity, shall be required to pay the current license renewal fee in accordance with N.J.A.C. 8:34-9.1(a)3 , **plus the restoration fee in accordance with N.J.A.C. 8:34-9.1(a)7**, and comply with the education requirements identified at [N.J.A.C. 8:34-6.9] (d) below.

(d) The applicant shall be required to complete 40 hours of continuing education credit for each year in which the license was inactive in addition to the required [40] **60** hours of continuing education for [biennial] **the triennial** licensing period.

(e) **The additional 40 hours of continuing education for each year the license was inactive is not required if:**

**1. An active license as a nursing home administrator was continuously maintained in another jurisdiction since their New Jersey nursing home administrators license became inactive; and**

**2. The individual was continuously an administrator of record in a licensed nursing home since their New Jersey nursing home administrators license became inactive.**

[(e)] **(f)** An administrator whose license is in an inactive status , **who has not maintained an active license as a nursing home administrator in another jurisdiction**, and who subsequently fails to meet the requirements identified at [N.J.A.C. 8:34-6.9] (b), (c), and (d) **above** , shall be required to apply in writing for restoration of licensure under the requirements as determined by the Board on an individual basis and as provided for in these rules.

## SUBCHAPTER 7. CONTINUING EDUCATION

### 8:34-7.1 Purpose and scope

The requirements set forth under this subchapter shall apply to all nursing home administrators licensed to practice [long term care] **nursing home** administration **in accordance with applicable State and Federal rules and regulations** within the State of New Jersey except where the rules provide for exemption or waiver.

### 8:34-7.2 Licensure renewal continuing education credit requirement

(a) By the completion of each [biennial] **triennial** licensing period, each administrator shall, as a condition of [licensure] **license** renewal identified at N.J.A.C. 8:34-6.2 successfully complete [40] **60** hours of approved continuing education in health or health-related courses, seminars, or programs relevant to long term care administration as determined by the Board.

(b) The continuing education period shall commence on May 1 [in an odd numbered year] and end on April 30 [in the succeeding odd numbered year] .

(c) Attendance at meetings of, and/or service for, professional trade associations and associations of licensed administrators approved by the Board, may yield up to ten hours of continuing education credits every [two] **three** years.

(d) (No change.)

### 8:34-7.3 Continuing education; scope

(a) (No change.)

(b) Criteria for continuing education courses shall include:

1. Material designed to acquaint administrators with the utilization and application of new techniques, methods, procedures and information relating to [long-term care] **nursing home** administration; and

2. Professional competency and ethics, as well as legal aspects relating to the practice of [long term care] **nursing home** administration.

(c) **Continuing education includes workshops and seminars attended in person or through electronic media such as audio and video tape or computer, self-study programs, college courses for credit taken in person or through distance learning, reading articles, and contributing to the profession through research and publications. Other written requests for continuing education credit will be considered on an individual basis.**

(d) **Continuing education credit may be recognized by the Board, for continuing education programs approved by the NAB or its member states, as long as the content of the program shall not apply specifically to another state.**

(e) **Continuing education credit may be awarded by the Board, up to an amount to be determined by the Board based on course content, for successful completion of the following activities:**

- 1. Teaching, for the first time, a course, seminar, workshop or program relevant to the practice of nursing home administration as determined by the Board;**
- 2. Teaching subsequent times, the same course, seminar, workshop or program relevant to the practice of nursing home administration, as determined by the Board;**
- 3. Serving as the preceptor to an individual applying for an initial license as a nursing home administrator;**
- 4. Serving as the preceptor to an individual who is engaged in a remedial internship at the Board's direction;**
- 5. Teaching, for the first time, a semester course in an accredited institution of higher education relevant to the practice of nursing home administration as determined by the Board;**
- 6. Teaching subsequent times, the same semester course in an institution of higher education relevant to the practice of nursing home administration as determined by the Board;**
- 7. Completing a semester course (48 class hours) from an accredited institution of higher education (taken in person, through home study, or through electronic medium) relevant to the practice of nursing home administration as determined by the Board;**
- 8. Completing an approved assisted living certification course;**
- 9. Completing an approved education program for Certified Assisted Living Administrators;**
- 10. Completing a master's thesis in an area relevant to the practice of nursing home administration as determined by the Board;**
- 11. Completing a doctoral dissertation in an area relevant to the practice of nursing home administration as determined by the Board;**
- 12. Publishing a book in an area relevant to the practice of nursing home administration as determined by the Board;**
- 13. Publishing an article or manuscript for a professional trade publication or journal in an area relevant to the practice of nursing home administration as determined by the Board;**
- 14. Writing a chapter in a published book in an area relevant to the practice of nursing home administration as determined by the Board; or**
- 15. Writing a published article for a magazine in an area relevant to the practice of nursing home administration as determined by the Board.**

[(c) The Board shall review and monitor all approved courses, seminars or programs. Upon evidence that the courses, seminars or programs fail to meet the criteria in this subchapter, the sponsoring institution or agency shall lose its approved status and shall be required to reapply for future continuing educational approval.]

#### 8:34-7.4 Program approval

(a) (No change.)

(b) Any person or organization desiring approval as a sponsor of a health or health-related course, seminar, or program shall apply to the Board through written application. [Such] **The Board shall receive such** written application [shall be received by the Board] at least [30] **15** business days prior to the date of the Board meeting at which approval is requested and shall include:

1.-5. (No change.)

(c)-(e) (No change.)

**(f) Sponsors of continuing education shall maintain and submit to the Board upon request an original copy of any advertisement or announcement of the program, the original attendance sheets or other records which verify attendance or completion by individuals at a Board approved continuing education program for one year following the licensure period for which the Board has granted continuing education credit.**

**(g) The Board shall review and monitor all approved courses, seminars or programs. Upon evidence that the courses, seminars or programs fail to meet the criteria in this subchapter, or the sponsoring entity has failed to maintain adequate records of attendance and/or other documentation verifying completion, the Board may withhold future approval for a temporary or permanent period of time.**

#### 8:34-7.5 Record of continuing education credits

(a) An applicant for licensure or licensure renewal shall be required to maintain **the original verifying** documentation [of course, seminar or program attendance and/or completion, as specified in (b) and (c) below] **for one year following the licensure period for which the Board has granted the licensee continuing education credit .**

(b) An applicant for license renewal shall submit to the Board [verification of] **upon its request, original documentation verifying** continuing education hours accumulated by the licensee. Verification material shall be evidence of the successful completion of an approved course, seminar or program, **and include the following:**

1. [in the form of a] **A** certificate or similar official record of attendance signed by the approved sponsor [.] ;

2. **A copy of the published material;**

3. **A copy of the program, syllabus, outline and bibliography for presentations;**

4. **A copy of the syllabus, bibliography, course outline and verification from the academic institution that the course was or was not previously taught by the licensee, for teaching appointments; or**

5. **An official transcript, official grade report, or a letter written on the institution's stationery from a duly authorized individual from the academic institution verifying completion of academic coursework.**

[ (c) An applicant for license renewal shall complete the appropriate licensure renewal forms by listing under continuing education information all the approved courses, seminars or programs which the applicant completed, as well as the number of credits earned, for the renewal period in question.]

#### 8:34-7.6 Extension of time

(a) The Board [or its designee] may, for good cause to be determined by the Board in accordance with N.J.A.C. 8:34-1.8, grant an extension of time the licensee shall have to complete the continuing education requirement for the two year licensure period. All such requests to the Board by the licensee shall be in writing and accompanied by written documentation supporting the reasons for the request.

(b) (No change.)

### SUBCHAPTER 8. SUSPENSION, REVOCATION , **SANCTIONS** AND HEARINGS

#### 8:34-8.1 Suspension , **summary suspension**, and revocation

A nursing home administrator whose license is either suspended or revoked, pursuant to N.J.S.A. 25:2H-27 and 26:2H-28 (Chapter 356, P.L. 1968), shall not be appointed or retained in the [facility] **nursing home** in any administrative, managerial, supervisory, or similar position.

#### 8:34-8.2 Denial, [license] suspension, **summary suspension, revocation**, or license sanctions

(a) The Board may refuse to issue a license, recommend to the Commissioner the [revocation or] **denial, suspension , summary suspension, or revocation** of a license, or may reprimand or otherwise discipline an individual, in accordance with (d) below, upon receiving substantial evidence that said individual for license, or such nursing home administrator:

1. (No change.)

2. Has willfully or repeatedly violated any of the provisions of N.J.S.A. 26:2H-1 et seq., or the rules of any licensing or supervising authority or agency of the State or **any** political subdivision thereof having jurisdiction over the operation and licensing of nursing homes **or has committed a similar violation in any other jurisdiction ;**

3. Has been convicted of a crime involving moral turpitude, **or any crime relating adversely to the practice of nursing home administration**, or of violating the provisions of N.J.S.A. 30:11- [11] **1.1 et seq. , or these rules by a court of competent jurisdiction [or has admitted such guilt] . For the purpose of this paragraph a plea of guilty, non vult, nolo contendere or any other similar disposition of alleged criminal activity shall be deemed a conviction;**

4.-7. (No change.)

8. Is addicted **to**, or dependent upon , the use of **alcohol**, any drug [recognized as resulting] , **or any other substance that may result** in abnormal behavior;

9.-10. (No change.)

11. Has paid, given, caused to be paid , [or] given or offered to pay or give to any person a commission or other valuable consideration for the solicitation or procurement either directly or indirectly of nursing home patronage;

12. (No change.)

13. Has impersonated another licensee of a like or different name **or has solicited or attempted to solicit an individual to impersonate him or herself** ;

14.-15. (No change.)

16. Has discriminated in respect to residents, employees, or staff on account of race, religion, color, sex, or national origin , **or other protected status under applicable New Jersey or Federal law** ;

17.-18. (No change.)

[(b) Before the Board takes any of the following actions, the individual shall be afforded due notice and the opportunity to be heard, in accordance with N.J.S.A. 30:11-17:

1. Refuse to issue a license;
2. Recommend the revocation or suspension of a license;
3. Recommend the issuance of a money civil penalty in excess of \$250.00;
4. Issue a written reprimand; or
5. Take other corrective or rehabilitative action against an individual.]

[(c)] **(b)** (No change in text.)

[(d)] **(c)** Pursuant to N.J.S.A. 30:11-21(e) , the Board shall have the power to:

1. [Request] **Require** an administrator, owner, employee, or anyone having knowledge pertaining to a matter before the Board to provide information to the Board or to appear before the Board;
- 2.-3. (No change.)
4. Require an administrator to complete continuing education credits in specified areas in addition to the [CEUs] **continuing education hours** required for licensure renewal;
5. (No change.)
6. [Recommend the issuance of] **Issue** a civil money penalty; and/or
7. Recommend to the Commissioner, the denial, suspension , **summary suspension**, or revocation of an administrator's license.

**(d) Before the Board takes or recommends to the Commissioner to take any of the following actions, the individual shall be afforded due notice and the opportunity to be heard, in accordance with N.J.S.A. 30:11-17:**

1. Refuse to issue a license;
2. Issue a written reprimand;
3. Recommend the suspension or revocation of a license;
4. Recommend the issuance of a money civil penalty in excess of \$250.00; or
5. Take other corrective or rehabilitative action against an individual.

8:34-8.3 Hearings

(a)-(b) (No change.)

(c) The Board may elect to issue a recommendation of [revocation] **denial** , suspension, **summary suspension** or [denial] **revocation** of a license, in which case the Board shall forward notice of its recommendation, together with a specification of charges, to the applicant or licensee by registered mail.

(d) [Revocation] **Denial** , suspension, [reprimand, or denial] **summary suspension, or revocation** shall become effective 30 days after mailing of notice unless the applicant or licensee, within said 30 day period, shall give written notice to the Department of a [desire] **request** for a hearing.

(e) If a hearing is requested by the applicant or licensee, the [revocation] **denial** , suspension, [reprimand, or denial] **summary suspension, or revocation** action shall be held in abeyance until final adjudication of the complaint.

(f) An order of **denial**, suspension, [denial] **summary suspension** , or revocation [may] **shall** contain such provisions regarding reinstatement of [the] a **license , including, but not limited to, a designated period of time for a suspension**, as the Board shall recommend. In the absence of any such provisions regarding reinstatement in an order or revocation, the revocation shall be deemed to be permanent.

[8:34-8.4 Conduct of hearings]

[(a)] **(g)** The applicant or licensee shall be afforded an opportunity for a prompt and fair hearing before a final decision is made on the matter of [revocation] **denial** , suspension, [written reprimand, denial of any license] **summary suspension, or revocation** , or ~~the~~ issuance of a civil money penalty in excess of \$250.00. The procedure governing such hearing shall be in accordance with the Administrative Procedure Act, N.J.S.A. 52:14B-1 .**1** et seq., and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1.

[(b)] The Commissioner shall render a written decision stating conclusions and reasons therefor upon each matter heard, and shall be empowered to enter orders of revocation, suspension or, denial consistent with the circumstances in each case.]

8:34- [8.5] **8.4** (No change in text.)

## SUBCHAPTER 9. FEES

### 8:34-9.1 Fees and charges

(a) The following fees shall be paid by the applicant:

1. (No change.)
2. Original license fee
  - i. During the first year of a [biennial] **triennial** renewal period .....[\$150.00] **\$300.00**
  - ii. During the second year of a [biennial] triennial renewal period .....[\$75.00] **\$200.00**
  - iii. **During the third year of a [biennial] triennial renewal period..... \$100.00**
3. [Biennial] Triennial license renewal fee.....[\$150.00] **\$300.00**
4. Late renewal fee in addition to renewal fee .....[\$25.00]
  - i. **One through 15 days late..... \$25.00**
  - ii. **Sixteen through 30 days late ..... \$50.00**
  - iii. **Thirty one through 90 days late..... \$100.00**
  - iv. **Ninety one days late or more ..... \$200.00**
5. Duplicate license fee ..... [\$10.00] \$15.00
6. Duplicate certificate fee.....[\$10.00] \$15.00
7. License restoration fee
  - i. **For a license inactive for one through three years, in addition to the triennial license fee .....[\$175.00] \$200.00**
  - ii. **For a license inactive over three years, in addition to the triennial license fee .....\$200.00 plus \$100.00 each year over three**
8. Annual fee for submission of a continuing education program application to be approved by the Board [\$25.00]
  - i. State agencies shall be sent from the payment of this fee.]
  - i. **Two hours or less .....\$25.00**
  - ii. **Two hours or more .....\$50.00**
  - iii. **Governmental agencies shall be exempt from the payment of this fee.**
9. Late notification fee for failure to report changes such as an administrator's name, home address, place of employment as the administrator of record in New Jersey, or failure to provide information as required by regulation
  - i. **One through 15 days late .....\$10.00**
  - ii. **Sixteen through 30 days late .....\$ 40.00**
  - iii. **Thirty one days late or more .....\$ 40.00 plus \$2.00 per day**



(b) Prior to taking the licensure examination, each applicant shall be required to submit an examination fee in the amount specified by the professional examination service utilized by the Department for the administration of the examination and approved by the Department [and] **with the advice of the** Nursing Home Administrator's Board in accordance with N.J.S.A. 30:11-13. The Department shall provide timely notice of the examination fee in the Public Notices section of the New Jersey Register.

(c) (No change.)